

Office of Environmental Health Hazard Assessment



Linda S. Adams
Secretary for Environmental Protection

Joan E. Denton, Ph.D., Director
Headquarters • 1001 I Street • Sacramento, California 95814
Mailing Address: P.O. Box 4010 • Sacramento, California 95812-4010
Oakland Office • Mailing Address: 1515 Clay Street, 16th Floor • Oakland, California 94612



Arnold Schwarzenegger
Governor

December 6, 2006

Ms. Danielle E. Leonard
Altshuler, Berzon, Nussbaum, Rubin & Demain
Attorneys at Law
177 Post Street, Suite 300
San Francisco, California 94108

[Letters also sent to:

Stephen P. Berzon and Jonathan Weissglass, Altshuler, Berzon, Nussbaum, Rubin & Demain
Albert H Meyerhoff, Lerach Coughlin Stoia Geller Rudman & Robbins, LLP]

Dear Ms. Leonard:

This letter provides my response to your February 22, 2006, petition regarding the listing of perfluorooctanoic acid (PFOA) under Proposition 65 (California Health and Safety Code section 25249.5 *et seq.*). Specifically, the petition requested that the Office of Environmental Health Hazard Assessment (OEHHA) propose PFOA and its salts for expedited consideration and listing under Proposition 65 as known to cause cancer by the Carcinogen Identification Committee (CIC). I also note receipt of a letter from Mr. Jonathan Weissglass of your firm dated November 29, 2006, in further support of the petition.

I have given very careful consideration to the petition, which you submitted on behalf of a number of leading environmental and occupational public interest groups (the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC, the Sierra Club, the Environmental Law Foundation, the Environmental Working Group, the U.S. Public Interest Research Group, Environmental California, and the Natural Resources Defense Council). I also asked the CIC for its input and counsel regarding whether to expedite consideration of PFOA at its November 16, 2006, public meeting in Sacramento. As you are aware, at that meeting the CIC did not express a strong preference to expedite its consideration of PFOA for listing with an informal vote showing three of the members present supporting expediting and three not in favor, with one member abstaining.

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.

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Public exposure to PFOA is an important public health issue, and the petition lays out many concerns that I share. There is widespread public exposure, as well as occupational exposure, to PFOA and its salts, and these chemicals persist in humans. Although there is a lack of data on PFOA's carcinogenicity, the observations of increased tumors at multiple sites in one animal species heightens the concern over potential public health impacts.

An important consideration in evaluating the petition is that additional valuable scientific information on the carcinogenicity of PFOA is expected to be generated within the next several years. The U.S. Environmental Protection Agency (U.S. EPA) nominated PFOA-type compounds as a class for testing to the National Toxicology Program (NTP). In response, the NTP has initiated studies and is planning to test PFOA in two-year carcinogenicity studies employing *in utero* exposures. These studies should provide critical information for evaluating the carcinogenic potential of PFOA and related compounds. The U.S. EPA also plans to update its health assessment on PFOA to include new toxicity testing data and then to resubmit the assessment to the Science Advisory Board for review.

Considering all of the above, I have decided not to expedite the consideration of PFOA for listing by the CIC. OEHHA will continue to look for and follow scientific developments regarding the carcinogenic potential of PFOA and related compounds. These chemicals will remain in the tracking database as candidates for CIC consideration. Scientific information that develops will be included in the tracking database, and will be evaluated along with existing information following the prioritization process laid out in OEHHA's December 2004 *Process for Prioritizing Chemicals for Consideration Under Proposition 65 by the "State's Qualified Experts."*

I appreciate the concern you hold for the public and your interest in Proposition 65 and I believe this interest is best served by considering these chemicals once more information on their carcinogenicity becomes available. If you have any questions, I can be reached at (916) 322-6325.

Sincerely,

[Original signed by]

Joan E. Denton, Ph.D.
Director

cc: See next page

Ms. Danielle E. Leonard

December 6, 2006

Page 3

cc: David A. Eastmond, Ph.D.
Environmental Toxicology Graduate Program
University of California, Riverside
5419 Boyce Hall
Riverside, California 92521

James S. Felton, Ph.D.
Lawrence Livermore National Laboratory
University of California
P. O. Box 5507 L-452
Livermore, California 94550

Solomon Hamburg, M.D., Ph.D.
Tower Hematology Oncology Medical Group
9090 Wilshire Blvd, Suite 200
Beverly Hills, California 90211

Martin L. Hopp, M.D., Ph.D.
Tower Ear, Nose & Throat
8631 W. 3rd Street, Suite 440E
Los Angeles, California 90048

Darryl Hunter, M.D.
Kaiser Permanente
504 Gibson Drive
Roseville, California 95678

Joseph R. Landolph, Ph.D.
Norris Cancer Hospital and Research Institute
USC Cancer Research Laboratory
1303 N. Mission Road, Room 218
Los Angeles, California 90033

Thomas M. Mack, M.D., M.P.H.
University of Southern California
School of Medicine, MS-44
1441 Eastlake Avenue
Los Angeles, California 90033

See next page continued

Ms. Danielle E. Leonard

December 6, 2006

Page 4

cc: Juliet Singh, Ph.D.
Trans Pharma Corporation
P. O. Box 2191
Rancho Santa Fe, California 92607

William L. Spangler, D.V.M., Ph.D.
8284 Pleasant Valley Road
Winters, California 95694

Anna H. Wu, M.P.H., Ph.D.
University of Southern California
School of Medicine
1441 East Lake Avenue, MC 9175
Los Angeles, California 90089-9175